

REMARKS

Claims 15, 16, 18, 19, 21, 22 and 31-33 are allowed; and claims 24-30 are rejected.

To further distinguish the invention from the prior art, claim 15 has been amended to recite that the niobium powder, in addition to containing niobium monoxide crystal or hexaniobium monoxide crystal in the specified amounts, is obtained by granulating a niobium primary powder having an average particle size of 0.1 μm to tens of μm . Support is found, for example, at page 6, lines 1-3 of the specification. Because the niobium powder of the present invention is a granulated powder, a primary powder is excluded from the scope of amended claim 15. The significance thereof is that by granulating the powder, the resultant powder becomes easy to handle and facilitates forming fine pores at sintering.

In response to the rejection of claims 24-26 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 2, 3 and 11-13 of U.S. Patent No. 6,387,150 in view of U.S. Patent No. 6,051,044, claims 24-26 have been canceled.

In response to the rejection of claims 27-30 for obviousness-type double patenting as being unpatentable over claims 2, 3, 11, 12 and 13 of US '150 in view of Fife, further in view of claims 9-12 of U.S. Patent No. 6,683,687, claims 27-30 have been canceled.

Withdrawal of all rejections and allowance of claims 15, 16, 18, 19, 21, 22 and 31-33 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/675,955

Q77794

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: June 29, 2006